## **EXHIBIT 25**

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

SLY MAGAZINE, LLC,

Plaintiff,

-against-

WEIDER PUBLICATIONS L.L.C. AND AMERICAN MEDIA, INC.

Defendants.

Civ. No. 05-3940 (RCC)

DECLARATION OF JOHN D. SWIDER IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

- I, John D. Swider, hereby declare as follows
- 1. I am Senior Vice President of Operations for Defendant American Media, Inc. I make this declaration in support of the Opposition of Defendants Weider Publications L.L.C. and American Media Inc. to Plaintiff's Motion for Preliminary Injunction.
- 2. American Media Inc., publishes, among other titles, Celebrity Living Weekly, Star Magazine, and The National Enquirer.
- 3. Defendants began promoting their Sly Magazine in or about September 2004.
- 4. These promotions were in the form of press releases to various outlets. True and correct copies of Sly Magazine's press announcements are attached hereto as Exhibit A.
- 5. Defendants first issue of SLY had an "on sale" date of February 14, 2005, which is the targeted date by which all issues of the magazine should be on sale. The cover date on the first issue was March 2005. A true and correct copy of the cover of the first issue and examples of articles from that issue are attached hereto as Exhibit B.
- 6. Defendants' second issue had an "on sale" date of May 9, 2005, which is the targeted date by which all issues of the magazine should be on sale. The cover date on the second issue was May/June 2005. A true and correct copy of the cover of the second issue is attached hereto

as Exhibit C.

- 7. Defendants' third issue had an "on sale" date of July 25, 2005, which is the targeted date by which all issues of the magazine should be on sale. The cover date of the third issue was July/August 2005. A true and correct copy of the cover of the third issue is attached hereto as Exhibit D.
- Defendants' fourth and final issue has an "on sale" date of December 26, 2005, which is 8. the targeted date by which all issues of the magazine should be on sale. The cover date of the fourth issue is December/January. The magazine is currently on sale and out of defendants' possession and control. A true and correct copy of the cover and selected articles from the fourth issue of SLY are attached hereto as Exhibit E.
- The fourth issue is the final issue of SLY Magazine. Defendants have ceased publishing 9. this title and currently have no plans to resume publishing this title. I declare the foregoing under penalty of perjury.

Date: December 20, 2005